

APPROVED: Meeting No. 01-96

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 49-95

December 11, 1995

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on December 11, 1995, at 7:33 p.m.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Glennon J. Harrison

Councilmember Robert J. Wright

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Mr. Kuckkahn introduced the new Deputy City Manager Julia Novak, who comes to the City from Lexington, Massachusetts. Ms. Novak recently purchased a home in the West End of Rockville, and Mr. Kuckkahn said he looked forward to working with her in the coming years.

2. Governor Glendening recently visited the Rockville Library to mark the completion of a state initiative that gives Maryland access to the Internet. The Governor was joined by Mayor Krasnow, State School Superintendent Nancy Krasnick, and Montgomery County officials to celebrate the completion of the network, one of the first of its kind in the nation.

3. Leaf pickup is proceeding according to plan; the City is continuing to pick up leaves on a regular schedule; residents are encouraged to rake their leaves to the curb.

4. On November 20, a large number of Rockville senior citizens graduated from a special police academy held just for senior citizens.

5. The County Council has rejected the City's transfer station request citing the loss in revenues, liability, and traffic issues as reasons for rejecting the plan. The City's proposal to set up a transfer station and have refuse privately hauled to landfills would have saved the City a great deal in disposal costs.

6. On December 5, the County Council voted 6 to 3 to build a new detention center in Clarksburg to house 1,080 inmates, which is approximately 200 beds less than the original proposal and 400 less than the County Executive's recommendation. The Seven Locks Road Detention Center will house detainees during the initial 72 hours when they are going through processing and initial court appearances. The County also voted to contract an independent consultant to advise on financial, criminal justice and environmental issues. The City will remain involved in the monitoring of the study and keep abreast of any detention center changes through the use approval process.

7. Mr. Kuckkahn accompanied Councilmembers Dorsey, Harrison and Wright to Phoenix for the National League of Cities Conference. The conference was a great success and was well attended by many cities who are looking for innovative ways to deliver quality services and keep up with the rapid changes in the way government conducts its business.

8. The past weekend's snow was the first test of the City's new policy

requiring private and residential sidewalk clearing. Inspection Services will be issuing a report, and it appears that most people understand the strict enforcement that the City will pursue this season.

9. The City received the Government Finance Officers Association Distinguished Budget Presentation Award this year. Mr. Kuckkahn thanked the Mayor and Council, the Budget Department, and the many staff members who contributed to the document.

Councilmember Marrinan congratulated the County Council on their decision to locate the new jail in Clarksburg. He noted that there were still some residual problems to be worked out and he said that the Mayor and Council would continue to monitor the entire issue.

Mayor Krasnow commented that the SAILOR Internet network system at the Rockville Library was a major step for residents in the County to be able to use the Library to access a world of information.

Mayor Krasnow recognized Lucas Michaels, a visiting scout from Troop 1772 who was in attendance this evening to earn his Community Merit Badge.

(Without objection, the Agenda Order of Business was changed to allow time for Bill Surgi, the recipient of a Presentation to arrive).

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Eileen Mader, 2320 Pinneberg Avenue and member of the Cultural Arts

Commission thanked the current Mayor and Council and previous Councils for providing a cultural atmosphere for the benefit of Rockville constituents. Later in the agenda, the Chair of the CAC was scheduled to make a formal presentation of the final design of the Dan Davidson sculpture for Courthouse Square Park, and Ms. Mader noted her views on the process taken by the Artist Nominating Committee in selecting Mr. Davidson's sculpture and her own impressions with Mr. Davidson, who she said, had a good understanding of and compliance with the mandate to create the artwork. Ms. Mader said that in the future, a challenge might be offered for someone to compose water music for the lady fountain in Courthouse Square.

2. Jan May, President, Twinbrook Citizens Association (TCA) congratulated the Mayor and Council on their election victory and thanked them for attending candidate forums held in TCA and in Lincoln Park. He also thanked the Mayor and Council for the City's timely and responsive help with renovating the round stone wall at Veirs Mill and Meadow Hall Road. He noted that the Association was in the process of designing a welcome sign.

3. Eric Jensen, President of the Twinbrook Garden Club also thanked the Mayor and Council for their help with the stone wall; he gave an update of the Association's next steps--obtaining more trees from the City; getting the "Welcome to Twinbrook" sign built and in place; working with the Twinbrook Shopping Center for better pedestrian access; and working with Joe Cutro on bus stop plans for the area. Mr. Jensen expressed appreciation to Rob Orndorff, Bill Stevens, Burt Hall, Joe Cutro, former Mayor Coyle and James C. Masonry, Inc., and he also thanked his wife for her vision of

the project.

4. Henry Carter, Co-Owner of Shell Station Property regarding Agenda Item #12, the Approval of a Design Review for Woodmont Shell, said that he had received no notice of the meeting tonight.

5. Roald Schrack, 13 Farsta Court urged the Mayor and Council to move ahead on the electronic Bulletin Board for Rockville. He shared a brochure describing a bulletin board in Santa Monica, California and said that it could serve as a model for what could be done in Rockville.

6. Sima Osdoby, President of Peerless Rockville extended an invitation to the Mayor and Council and entire Rockville community to attend the Annual Peerless New Year's Day Brunch at Glenview Mansion, January 1st, from 11 am to 2 pm. Ms. Osdoby said that the brunch serves as the kickoff event for the year-long F. Scott Fitzgerald Centennial Celebration.

7. Murray Stein, Senior Citizens Commission presented Mayor Krasnow with a gavel that he hand carved from the wood of a 200-year old English Boxwood tree at the Beall Dawson House. Mr. Stein presented a similar gift to former Mayor Coyle two years ago.

8. Alice Kelly, 401 West Montgomery Avenue urged the Mayor and Council to vote for approval of the revised Dan Davidson sculpture.

9. Gail Wisan, 3 Gerard Court spoke about Agenda Item #13, PEPCO's text amendment application to allow transformers and relocated power transmission lines to be placed above ground. She referenced a 1994 journal from Johns Hopkins University

of a study linking the effects of electronic magnetic fields on childhood leukemia, and she asked the Mayor and Council to be concerned about the policy implications of the application.

10. Randy Slovic, 9 Dairyfield Court and Montgomery County's Sierra Club Water Quality Committee said the Club had been studying the King Farm report and had two concerns: (a) what was the status of base-line monitoring being done at the site; and (b) regarding the planned redevelopment at North Congressional Shopping Center, the Sierra Club did not want any waivers given for stormwater management requirements. Mr. Kuckkahn was asked to provide information on the water quality monitoring. Councilmember Dorsey asked that staff also provide a description of what was involved in the type of base-line monitoring.

11. William Meyer, 804 Leverton Road spoke in favor of the Bid Award for the Dogwood Park warm-up field. Regarding the parking standards for Text Amendment TXT95-0151, Mr. Meyer said that this text amendment and others have not been referred to the City's Traffic and Transportation Commission. He also felt that City should not take a policy position to relax the parking standards for an HMO facility. Regarding the PEPCO text amendment, Mr. Meyer voiced a concern that the Mayor and Council not allow additional high powered lines to be placed on existing lines. Noting the concerns raised by a previous speaker about electromagnetic fields, Mr. Meyer said that the issue has not been totally agreed upon by scientists; however, such concerns were with much higher voltage transmission lines such as the one being proposed for relocation, which, Mr. Meyer noted, were even farther away from inhabitants of residential homes.

12. Anita Summerour, President, Lincoln Park Civic Association thanked the Mayor and Council, City Manager, and Inspection Services staff for the prompt action taken on a Lincoln Avenue property; she was assured by the City's Housing Code Inspector Craig Mariette that the property was being watched on a regular basis and neighbors reported improvements already. Ms. Summerour said she looked forward to hearing the presentation on the designs for improvement to the Frederick Avenue Bridge and said the Association would be sending additional correspondence with suggestions concerning the bridge.

13. Helen Roberto, 1302 Crawford Drive congratulated the Mayor and Council on their election victory and said she was glad the City has a female Mayor and that they were keeping the current City Manager and City Clerk, and that they would have a great two years. Ms. Roberto spoke about the need for a four-way Stop sign at Crawford and Clagett and a Yield sign at Allison and Crawford to help control traffic to protect the school children who walked in the area. Ms. Roberto also commented that the Police Department did not have enough officers; she noted that the Police Chief often walked some of the City's beats, which indicated to her that there were not enough officers. Mayor Krasnow remarked that the Chief often walked beats to keep in closer contact with the neighborhood.

14. Sima Osdoby, 2 Stevens Circle served on a Neighborhood Planning Group several years ago which looked at the Tower Oaks site. She noted the applicant's request for a text amendment to build an HMO property and said that the developer planned residential units which were clearly designed not in the spirit of what was intended and

what City staff and citizens spent considerable time working on. She suggested that the Mayor and Council hold off on granting the text amendment until the City saw better performance on the site by the developer.

15. Steve Arabi, Woodley Gardens Resident and PEPCO government relations representative on Text Amendment Application TXT95-0150, noted that letters were submitted in an attempt to clarify the issues. He said that PEPCO's intention with the text amendment was narrowly focused and he summed it up: PEPCO was proposing to remove 18 power line poles and replace them with 8 poles to be located along Wootton Parkway. Mr. Arabi said that all service to the development would be underground which was required by Rockville ordinance and State law since 1968.

16. William Kominers, Tower Dawson Limited Partnership regarding Item 13, said that Tower Dawson supported PEPCO's text amendment application. He explained that the electric service that will come off the poles and run underground was an interim measure until such time as the service develops along Tower Oaks Boulevard, underneath Wootton Parkway and up the rest of Tower Oaks Boulevard to get to the permanent site of the condos on Tower Oaks Boulevard. Mr. Kominers said he sent in a letter explaining that the costs of these measures will be ultimately passed on to the home buyers, and the Partnership would like to keep the costs down so the homes would not be priced out the market's acceptability.

Regarding the HMO text amendment, Mr. Kominers said they conducted a survey as the Mayor and Council requested after the public hearing, and found that Montgomery County uses a 1 per 200 or 5 per 1,000 standard, under the title of medical

clinic because the County did not have a separate definition as was being proposed in this text amendment. Mr. Kominers noted that staff's memo indicated that Montgomery County required four spaces per doctor for medical clinics, and he said that this was a typographical error as the requirement was for medical practitioner offices, not doctors.

Re: Recognition and presentation of
award to Bill Surgi.

Bill Surgi, Disabled American Veterans organization, was recognized for his involvement in the 50th Anniversary of World War II Commemorative Community program. The City of Rockville has been a participating member since 1993. The Mayor and Council presented Mr. Surgi with a framed photo which appeared in the Washington Post.

Re: Appointments

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, Robert Cressy (Chamber of Commerce Representative) and Michiko Yoshida Hayhurst were appointed to the Economic Development Council.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the F. Scott Fitzgerald Centennial Committee was established the Committee and appointing Co-Chairpersons Don Boebel and John Moser were appointed to the F. Scott Fitzgerald Centennial Committee.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, Virginia Onley was appointed to serve as Chairperson of the Senior Citizens Commission.

Upon motion of Councilmember Harrison, duly seconded and unanimously

passed, Dennis Cain was appointed to serve as Chairperson of the Traffic and Transportation Commission.

Re: Approval of Minutes

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Minutes of Meeting No. 47-95 (November 20, 1995) were approved as amended.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Minutes of Meeting No. 48-95 (November 27, 1995) were approved as amended.

Re: Consent Agenda

Councilmember Marrinan requested removal of Item D. Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

(A) Award of Bid #31-96
To: Altec Industries, Inc.
Of: Plains, Pennsylvania
In the amount of \$88,508

For: Purchase of one aerial lift truck for the
Recreation & Parks Department.

(B) Award of Bid #43-96
To: Acrison Incorporated
Of: Moonachie, New Jersey
In the amount of: \$36,988.00

For: Purchase of one volumetric lime feeder,
Model # W105X and one volumetric activated
carbon feeder, Model #W105X.

- (C) Award of Bid #R-LB-6006
 To: Criswell Chevrolet
 Of: Gaithersburg, Md.
 In the amount of: \$101,181

For: Purchase of five four-wheel drive sport utility vehicles.

- (E) Introduction of Ordinance to Levy Special Assessments for Driveway Aprons constructed in Fiscal Year 1995. The City performed 25 driveway apron jobs requested by the residents. The assessable cost is \$18,408.38.

Re: Item (D) - Acceptance of Text Amendment Application TXT95-0153, Linowes and Blocher, Attorneys for Helios/Towle, L.L.C., Applicant.

To amend the Zoning Ordinance to add a new use for a "Medical Center," to permit the recordation of a final record plat subsequent to concept plan approval and prior to detailed plan approval in the CPD; and to modify the parking, access and loading requirements for CPD projects.

Regarding Item D, Councilmember Marrinan noted that the Mayor and Council were dealing with another medical definition issue in Agenda Item #14. He said that when possible, better efforts needed to be made for dealing with similar issues within text amendments instead of in a piece meal fashion for items which were in fact quite similar. Councilmember Harrison also noted his objection to the way the Text Amendment Application (TXT95-0153) read; he said that the amendment was ostensibly about medical centers, however, there was an entire section on parking, access and

loading requirements in Comprehensive Planned Developments. He said these issues proposed a major public policy change as to how parking should be handled in CPDs. Mr. Harrison said he would rather see the issue introduced and treated separately.

Ms. Rother explained that when the developers of the King Farm spoke about a use they were anticipating and having seen that the HMO facility text amendment was introduced, they had asked if their anticipated uses could be covered under the proposed amendment. It was determined that their use, in fact, would be more complex. The Mayor and Council noted earlier that "medical center" had a connotation of a much larger facility. The current proposal would include research and teaching facilities, perhaps in-patient versus only out-patient clinics, and it would still be under a single entity, although it was different than an HMO which served clients. Staff suggested to the applicant that it would be better to submit an additional text amendment. Ms. Rother said that if the Mayor and Council accepted Text Amendment 95-0153, and it appeared to be worth discussing, the application would be forwarded to the Planning Commission for their recommendations and planning staff would do the research, write a report for the Commission's review and make a recommendation to the Mayor and Council.

City Attorney Glasgow advised that the Mayor and Council could direct that each issue proceed independently of one another in order to facilitate discussion.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Mayor and Council accepted and authorized the forwarding of Text Amendment Application TXT95-0153 to the Planning Commission, to amend the Zoning Ordinance to add a new use for a "Medical Center."

The Mayor and Council then discussed the separate issue regarding recordation of a final record plat subsequent to concept plan approval and the modification to the parking, access and loading requirements for CPD projects to allow required parking on public streets and to allow for smaller spaces and garages and on streets.

Councilmember Harrison expressed concern that the Mayor and Council were considering a text amendment that he said was a major change in the way parking, parking standards and the treatment of public streets were handled. The City was essentially being asked to privatize part of a public street to allow a developer to off-load his parking requirement onto that street. He said he did not feel the Mayor and Council were ready to suggest it to the Planning Commission and Traffic and Transportation Commission for their consideration. He asked that additional information be provided in order to allow the Mayor and Council to give further consideration to the issue prior to introducing a text amendment.

Mayor Krasnow agreed that the issue needed to be thoroughly discussed. She suggested that the Mayor and Council accept the issue as a Text Amendment for further processing and direct that the issue be referred to the City's appropriate boards and commissions to allow them an opportunity to comment. Councilmember Dorsey noted that one of the recommendations was to make the minimum width of parallel parking spaces six feet; he asked that materials be provided to explain the standards for this requirement. Mayor Krasnow asked about the record plat approval prior to detailed plan approval in the CPD. Mr. Glasgow said this referred to the ability to convey the property and have a final plat in place prior to the detailed application approval. The applicant in

this case, because of the scale of the development, wanted to be able to have final plat approval prior to the detailed phase to be able to convey or sell the particular area of land for development to a third party. Also, many financial institutions require identifiable plats in order to obtain financing. Mr. Glasgow said that the City could reserve until the detailed phase, any issues they felt needed to be addressed at that time that would normally come up as part of the final record plat approval. Ms. Krasnow said she would like to hear a discussion of why the process was currently done this way and what it would mean to do it differently.

Upon motion of Councilmember Dorsey, duly seconded and passed by a 4 to 1 vote (with Mayor Krasnow, Councilmembers Dorsey, Marrinan and Wright voting "aye" and Councilmember Harrison voting "nay"), the proposal to permit the recordation of a final record plat subsequent to concept plan approval and prior to detailed plan approval in the CPD; and to modify the parking, access and loading requirements for CPD projects, was accepted as a separate text amendment. The Mayor and Council directed that the text amendment be referred to all affected City boards and commission for their review and recommendation.

Re: Award of Bid #41-96
To: Dewey East Excavating
Of: Bladensburg, Maryland
In the amount of: \$54,869

For: Dogwood Park Warm-Up
Field Grading (This item was
tabled from the 11/20/95
Meeting)

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the bid was awarded to Dewey East Excavating for the Dogwood Park Warm-Up Field Grading project.

Re: To authorize the City to enter into an agreement with Metricom, Inc., to permit radio wave transmitters in the public right of way.

Director of Finance Kevin Deckard explained that the installation of radio wave transmitters was the first of a wide range of new public right of way use issues as state-of-the art communication technology required an increased use of public right of way to install devices that will aid in the transmission process. Mr. Deckard said that Metricom was tapping into a market of people who want remote computer communication by way of radio wave transmission. Metricom has experienced a tremendous amount of market success on the West coast and was now entering into the Mid-Atlantic region and had already executed a franchise agreement with the District of Columbia and was currently negotiating with every locality. Mr. Deckard said if the Mayor and Council authorized the agreement with Metricom, Rockville would become the second government in the region to give them approval. In response to a question from Councilmember Harrison, Mr. Deckard noted that the Mid-Atlantic region was a fairly new market for this; however, based on Metricom's experience with communities on the West coast, the three percent franchise fee recommended by the City would generate approximately \$10,000 in revenues to the City.

Mr. Deckard introduced Mike McKenna, from Metricom who displayed what the radio device looked like and how the devices would fit on street light poles.

The Mayor and Council discussed at length concerns regarding the placement of the transmitters and the public's reaction to them. A decision was made to table authorization of the agreement until staff could:

- obtain information about the Council of Governments metropolitan-wide study on the issue;
- provide visual information (on a map) showing where the devices would be placed in the City;
- determine whether other radios or devices in the vicinity would be affected (e.g., interference) by the radio waves transmitted from the Metricom boxes;
- get a sense of how the community feels about the boxes that would be placed near their homes.

In addition, Mayor and Council agreed that staff needs to work on a overall policy regarding these types of appliances being attached to the public utility and in the public right of way. Without objection, the approval of the agreement was tabled to the January 8, 1996 General Session. If COG's study is not readily available, staff should still be prepared to follow up on the issues raised tonight. Mayor Krasnow suggested that Councilmembers may want to forward other specific issues directly to staff. Mr. McKenna indicated that Metricom was available to meet in a worksession if the Mayor and Council so desired.

Re: Presentation of final design for
Courthouse Square Park artwork.
Approval of Dan Davidson's
design for his female
figure/fountain design.

Cultural Arts Commission Chairperson, Charles Goldstein, gave an overview and history of the process and of Dan Davidson's design for his female figure/fountain design. On November 18, the CAC unanimously accepted Mr. Davidson's proposal, especially in light of his willingness to continue to work closely with the CAC and City staff for any modifications to the design. Mr. Goldstein said that the CAC was recommending that the Mayor and Council approve Mr. Davidson's design with the understanding that there might be some modifications.

Chairperson of the Art In Public Places Program, George Northway, explained the major features of the sculpture. The female figure represents the spirit of the City and exhibits the strength and pride of its citizens. In her left hand is a sphere of light which illuminates the darkness and acts as a beacon to attract people to the area. In her right hand is a document, although what will be on the document will be decided later. The sculpture base has a split stem which represents the divisions which occurred in Rockville during the civil war and light from the split stem will illuminate the falling water which will be ejected up to the bowl. Mr. Northway said that the interplay of the light and the sound of the falling water is one of the main positive features of the sculpture. At the base of the sculpture there are four dates representing the history of Rockville: 1774 (when the citizens met at Owens Ordinary to protest the actions of the British Parliament); 1776 (when Montgomery County was formed); 1860 (Rockville

became a city); and 1891 (the date the Courthouse was built). The fountain will be constructed in bronze with a stainless steel superstructure and the total height from base to the female figure's head is 16.5 feet. Mr. Northway said that the sculpture was reasonably safe and child proof because of its 7 foot height from the base to the lip of the bowl.

Suzette Goldsmith representing Architect Bill Hellmuth said that the architect who designed the park and had worked closely with the Artist Selection Committee and Mr. Davidson. Ms. Goldsmith said they were very enthused with the design and looked forward to working with Dan Davidson.

Councilmember Marrinan questioned whether the inscription on the document would be designed through a contest as suggested by Mr. Davidson. Mr. Goldstein responded that the issue had not yet been settled. Mr. Marrinan noted that the Mayor and Council had not yet accepted the proposal or mechanism for a contest; however, the CAC will work with the artist to finalize such a proposal which will then have to be presented to Mayor and Council for approval. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Dan Davidson's design was approved.

Re: Presentation of Designs for
Improvements to the Frederick
Avenue Pedestrian Bridge by
project architect, Howard
Goldstein, Schick-Goldstein
Architects, Inc. Discussion and
Instructions to Staff.

Project Architect Howard Goldstein presented the designs for improvements to the Frederick Avenue pedestrian bridge for the benefit of the new Councilmembers.

Recreation and Parks Director Burt Hall reported that in October 1995, only two bids were received for the project and the low bid was \$367,000 which was substantially more than the remaining project balance. When staff contacted a number of bidders who attended the pre bid meeting and then subsequently did not bid, they learned that most bidders did not bid because of other commitments, missed deadlines, etc. Mr. Hall said that a number of those bidders contacted indicated that they were interested in participating in the second phase of the bidding. Mayor Krasnow said the design was chosen after considerable consultation with the neighborhood, architect and City staff. She suggested that the City start the rebidding process in early 1996 in an attempt to obtain a better low bid price.

Councilmember Harrison said that the design appeared to be ominous and would not be a pedestrian friendly structure; his sense was to attempt to get a slightly different concept, although this might not be acceptable to the rest of the Council which had sat through the process before. Mr. Harrison asked whether the neighborhood could live with the design.

Councilmember Wright agreed that the design was massive and said while he felt that better bids could be obtained the second time, he would be concerned about the greater dilemma in terms of the budget if the City could not meet the bid price. Mayor Krasnow said that if the bids again came in too high, the project may have to be rethought, and this would be done in conjunction with the citizens of Lincoln Park.

Councilmember Dorsey asked Ms. Summerour (President of the Lincoln Park Civic Association) what would be the community's sense if there were no bridge.

Ms. Summerour she felt that there were too many pedestrians crossing over the bridge to eliminate the bridge.

Without objection staff was directed to resubmit the proposal to request additional bids.

Re: Approval of Design Review for
Woodmont Shell, 1250 W.
Montgomery Avenue.

To approve the design details of
the proposed renovations as per
the "conditional zoning"
authority for this property.

Chief of Planning Lisa Rother explained the Mayor and Council's authority to review the design. When the property was rezoned in 1971 from residential to commercial, several conditions were placed on the rezoning approval regarding the use and site design of the property. The use was to be an automobile service station performing functions described in the ordinance. A provision was also in place that the Mayor and Council retain the power and authority to approve or disapprove the design of buildings with instructions, landscaping or other improvements, alterations, or changes made on the land. Ms. Rother said staff believed this was the only property in the City that had this type of conditional zoning as a result of rezoning. The use permit for the project was approved by the Planning Commission in July. The Public Works Department, Transportation Planning, State Highway and others also conducted an extensive review and all the conditions of approval made to the use permit were met. Staff believed that the project would enhance the aesthetics of the site and cause it to work in a more efficient manner and alleviate some of the current traffic congestion.

Mayor Krasnow asked whether the owner, Henry Carter, had any concerns with the project as presented. Mr. Carter responded that the Shell Oil Company, Planning Commission and Planning staff had worked closely with everyone concerned. Edward Gibbs, the attorney representing Shell, noted his presence. Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the Design Review was approved.

Re: Discussion and Instructions to Staff - Text Amendment
Application TXT95-0150,
PEPCO, Applicant.

To amend the Zoning Ordinance to allow transformers and equipment lockers to be located above ground, and to allow relocated power transmission lines to be placed above ground.

Councilmember Harrison moved that the two issues of the text amendment; the transformers and the above ground lines be dealt with separately.

Re: Discussion of the Relocation of
power transmission lines

Ken Farrell, Manager of PEPCO's Customer Engineering, explained the relocation. Mr. Glasgow asked for the Mayor and Council's guidance on how other utility and telephone lines will be handled. The Mayor and Council agreed that currently they would only want to address the issue of electric utility lines.

Councilmember Harrison noted the Planning Commission's recommendation for applications filed prior to December 1, 1995. He said that he would like to see the entire sentence regarding the deadline deleted and allow the Planning Commission, rather

than only the Chief of Planning to give final approval. After considerable discussion, the Mayor and Council agreed that the December 1, 1995 deadline will remain in. The Planning Commission should be informed at their December 13 meeting that the Mayor and Council have no problem with the two lines being on the poles; however it should be a temporary measure until the first building is being developed and PEPCO begins its Montrose connection to the site.

Mayor Krasnow asked that the Planning Commission be informed that the Mayor and Council are planning to proceed with an ordinance for introduction on January 8, 1996. If the Planning Commission has any modifications, they can be made at that time.

Re: Discussion of Transformers

Mayor Krasnow recommended that the Mayor and Council table this issue and possibly schedule a public hearing in order to gain some public input as it involved other utilities as well. Mr. Glasgow said if it was their desire, another text amendment could be filed on the Mayor and Council's behalf to focus directly on the issue of transformers. Councilmember Harrison noted that under the law, the applicant, showing good cause, could request a waiver from the Planning Commission. He said that the law served a public need to protect residents from obtrusive transformers. Councilmember Wright added that if the Mayor and Council were to introduce a text amendment, the thinking would be that they were planning to change their policy about undergrounding, and he said that he did not have any particular reason for changing the policy.

Councilmember Marrinan agreed and said that by introducing the text amendment, the

implication was that the Mayor and Council agree that there should be a change in public policy; he also felt there was no compelling reason to change such policy. Mayor Krasnow suggested that the Mayor and Council not move on the issue.

Re: Discussion and Instructions to Staff - Text Amendment Application TXT95-0151, Tower-Dawson Limited Partnership, Applicant.

To amend the Zoning Ordinance to add a new use, "Health Maintenance Organization Facility (HMO)," add a parking standard for "HMO," and to permit "Medical and Dental Clinics" and "HMO" in a Comprehensive Planned Development (CPD).

Chief of Planning Lisa Rother pointed out an error on Attachment A--the parking standard for Montgomery County should read four (4) spaces per medical practitioner (not doctor) for medical clinics. Following discussion on how best to determine the number of parking spaces, the Mayor and Council instructed staff to bring back an ordinance for introduction at the January 8th General Session with the following provisions noted:

- Parking Standards - One (1) space for every 200 square feet of gross floor area.
- Permitted Uses - Place the new definition "Health Maintenance Organization Facility" and "Medical and Dental Clinics" under the medical services use as opposed to office space use.

Re: Staff Report on the
Comprehensive Annual Financial
Report (CAFR)

Due to the late hour, the Staff Report on the CAFR was deferred to the January 8, 1996 General Session.

Re: FYI/Correspondence

There being no discussion of FYI/Correspondence, Mayor Krasnow moved to the next portion of the agenda.

Re: New Business

1. Councilmember Harrison said that he recently had a visit by Vincent Kosich and Janet Garry (residents of Vandergrift Avenue) regarding the problem of oversized vehicles in neighborhoods, and he suggested that the Mayor and Council look at the City's policies towards over-sized vehicles and how we enforce the existing ordinance.

Mayor Krasnow said that she had also met with the two residents and what was evident was that the ordinance probably was sufficient, however, it was not sure how the City ensures that the vehicles obtaining permits actually meet the specifications for the gross vehicle weight and the rate of load capacity. Staff was asked to report back to the Mayor and Council. Mr. Kuckkahn said that the matter may be able to be handled through administrative procedure.

2. Mayor Krasnow reported that during a recent survey, respondents overwhelmingly said that they read Rockville Reports and felt that the newsletter was a useful and important government communication tool which enhanced a sense of community and helped keep citizens informed. Over 1800 people responded (over 8.5

percent response rate) and the City was urged to continue publication of Rockville Reports. Mayor Krasnow commended Public Information Officer Don Vandrey. Staff was asked to get a copy of the full study to the Mayor and Council.

Re: Next Meeting

The Mayor and Council will meet in General Session on Monday, January 8, 1996, at 7:30 p.m.

Re: Adjourn to Worksession

There being no further business to come before the Mayor and Council, the meeting was adjourned at 11:29 p.m., to reconvene immediately following in Worksession to hear an update by Transco on the planned clear-cut operation.

Re: Worksession with Transco
(Transcontinental Gas Pipe Line Corporation)

The Mayor and Council met in Worksession at 11:40 p.m. with Transco representatives Jim Shannon, Bob Parks, Brad Lushbaugh, David Skelton, and Debbie Lawrence. Transco informed the Mayor and Council about their operations and their plans for carrying out the clear cut operation and for working with Rockville landowners to minimize the impact the operation will have on properties. A 5-minute informational video was shown and Transco answered questions from the Mayor and Council. Transco will arrange to have the video shown to the public. They are also working on an information packet that will be available prior to a January 1996 meeting they will have with affected property owners.

There being no further business to come before the Mayor and Council, the Worksession was adjourned at 12:43 a.m., to reconvene in General Session at 7:30 p.m. on January 11, 1995 or at the call of the Mayor.